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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,703	07/30/2003	Traugott Marquardt	1509-429	5353

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EXAMINER

NGUYEN, CHI Q

ART UNIT PAPER NUMBER

3635

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/629,703	<b>Applicant(s)</b> MARQUARDT, TRAUGOTT	
	<b>Examiner</b> Chi Q Nguyen	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4 and 6-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-32 is/are allowed.
- 6) ☒ Claim(s) 1,2,6-13 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 4,14,15,33 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>attachment</u> .                       |

### **DETAILED ACTION**

This Office action is in response to the applicant's amendment filed on 6/6/2006.

#### ***Status of Claims***

Claims 3 and 5 have been cancelled. Pending claims 1, 2, 4, and 6-35 have been examined.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/1/2006 has been entered.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the portal front parts and plug-in patch cable connections numeral labels must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Domigan (US 4,536,612).

In regard to claim 1, Domigan teaches a box for raised floors comprising a junction unit 1 having a top side, wherein the top side or at least a major part of it is open 13 (Figure 1), connectors 27/28 for connecting data cables for the devices, a structure (where screws 43 secured to) for mounting the junction unit, lateral sides, the lateral sides or at least a major part of them being open 36/40/41 (see Figs. 1 and 2).

In regard to claim 2, Domigan teaches the claimed invention as stated; wherein the mounting structures are arranged to be mounted on a base floor 42 (Figure 2).

Claims 9-10, 13, and 16-19, are rejected under 35 U.S.C. 102(b) as being anticipated by MacDonald (US 6,170,784).

In regard to claim 9, MacDonald teaches a cable management device having opposite faces and comprising slide-in data connector units 150a and 150b able to be slid from outside into the junction unit, at least one of its faces of the slide-in connector units being arranged on at least two levels in the junction unit, one above the other (see figure 6). Note that the data connector units 150a and 150b have a plurality of slots 61, which slide-in corresponding with mounting bolts 28.

In regard to claims 10, 13, MacDonald teaches the claimed invention as stated, wherein the slide-in connector units are fixed to the junction unit in a dismountable manner and arrange at two opposing faces of the junction unit.

In regard to claim 16, MacDonald teaches a cable management unit having a frame structure with a frame, the frame comprising portal front parts 14, 16, and a panel 24 that serves as sidebars connecting the front parts, such that the portal front parts are opposite each other (see Figure 1).

In regard to claim 17, MacDonald teaches the claimed invention as stated, wherein the front parts are open at least at their lower parts (see figure 1).

In regard to claims 18, 19, MacDonald teaches the claimed invention as stated, wherein the panel 24, which serves as sidebar could be adjustable in height (see col. 4,

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lines 57) along a plurality of holes on the front parts and dismountable by remove releasable fasteners 28.

Claims 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by McGrath (US 6,541,705).

In regard to claim 6, McGrath teaches a cable management rack comprising a junction unit 10 having opposite faces (front and back) and comprising rows 20 of connectors arranged on at least two levels, one above the other, at least one of the faces including open slits S (see attached Figure 1) between the rows of connectors 20. Note that the claimed combination with raised floor system and cooling air supply duct are not positively claimed with the subcombination junction unit. Thus these limitations are not being considered.

In regard to claim 7, the junction unit 10 has a topside 16, wherein the topside or at least a major part of it is open (see Figure 5).

In regard to claim 8, the junction unit has lateral sides 12, wherein the lateral sides or at least a major part of them are open (see Figure 1, where 12 points to).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacDonald (US 6,170,784).

In regard to claims 11-12, MacDonald teaches the structural elements for the cable management as stated except for the slide-in connector units have data connector rows, at least some of the connector rows being at least one of copper data cable connector rows or optical fiber connector. At the time of the invention, it would have been obvious to a person in the art having ordinary skill to select an appropriate material for the connectors, such as copper or optical material because these materials are highly conductive materials providing quick and clear signals for communication purposes.

***Allowable Subject Matter***

Claims 4, 14-15, 33, 34, 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 20-32 are allowed.

***Response to Arguments***

Applicant's arguments with respect to claims 6-8 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 6/1/2006 have been fully considered but they are not persuasive because: the prior art Domigan teaches an underfloor cable junction unit (see Fig. 2) and the underfloor cable junction unit for use beneath a building for commonly raised floor, access floor, false floor, computer floor (see col. 1, lines 5-9). The examiner does not agree with the applicant's argument that the openings 35, 36, 40, 41, can not be considered as enabling cooling air to flow through them and thereby

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
form part of a cooling air supply duct because the argued limitations are not patentable structures and not positively claimed, e.g. cooling air flow through.


With regard to the applicant's argument that the prior arts Domigan and MacDonald do not teach a mounting structure to be mounted on a base floor on which the raised floor is posted, the examiner does not agree because the raised floor is not positively claimed, and Domigan clearly teaches mounting means 32/43 that securing the junction unit to the floor (see Fig. 2).

### ***Conclusion***

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Naoko Slack can be reached at (571) 272-6848. The examiner's right fax number is (571) 273-6847.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

8/18/2006  
  
CQN

  
N. Slack  
SPE